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Letter dated 2 December 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire, adopted on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my letters dated 16 August 2004 (S/2004/667), 3 September 2004 (S/2004/716), 20 September 2004 (S/2004/748), 6 October 2004 (S/2004/800) and 29 October 2004 (S/2004/878) concerning the monitoring of the Agreement.

Please find attached the sixth and seventh reports of the Tripartite Monitoring Group established under the Accra III Agreement, covering the periods from 15 to 30 October 2004 and from 1 to 15 November 2004 (see annexes).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex I

[Original: English]

Implementation of the Accra III Agreement

Sixth report of the Monitoring Group

Covering the period from 15 to 30 October 2004

I. Introduction

1. This report is prepared pursuant to the Accra III Agreement of 30 July 2004, according to which the Tripartite Monitoring Group is requested to make fortnightly reports on major developments in the peace process in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. The present report covers the period from 16 to 30 October 2004.

II. Overview

2. The deadline of 15 October 2004 passed without the start-up of the DDR, underscoring the failure of the parties to implement the time frame set under the Accra III Agreement. The national political mood was gravely characterised by mutual trading of accusations and outright insults. This only exacerbated the rising tension and anxiety among the population. There was, however, some incurable hope that matters will not rise to such a point of high tension as to degenerate into a resumption of hostilities among the two major military belligerents. There was yet another surge of hope that impartial external influences could yet be brought to bear on the Ivorian political actors, in particular the FPI and the Forces Nouvelles, to forge a political consensus out of the current persistent crisis. All other positive developments registered during the period pale besides the gnawing impasse.

III. Developments in the peace process

3. In spite of considerable obstacles in the peace process, some significant progress, however, has been made, in particular, in the cooperation between the National Armed Forces of Côte d'Ivoire and the Armed Forces of Forces Nouvelles (FAFN). The military situation in the country remains stable as the military forces on both sides continue to demonstrate their commitment to a pacific resolution of the political impasse. The Ivorian Defence and Security Forces and the Armed Forces of Forces Nouvelles continue to collaborate across a spectrum of military related matters, ranging from consultations within the Quadripartite Committee to joint initiatives in elaborating operational modalities for the implementation of the DDR programme.

4. Despite the commitments undertaken by President Gbagbo and other political leaders signatories of the Linas-Marcoussis and Accra III Agreement, the process of the adoption of the legal reforms has not made any significant progress. None of the major deadlines agreed in Accra III (31 August 2004 for the adoption of the legislative texts, 30 September 2004 for the amendment of Article

35 on eligibility to the Presidency and 15 October 2004 for the commencement of the DDR process) has been met.

Proceedings in the National Assembly

5. The second ordinary session of the National Assembly which officially opened on 6 October 2004, effectively began its substantive proceedings on 19 October 2004. Out of the different draft legislations to be considered during this session, only four are envisaged under the Linas-Marcoussis Agreement. The Speaker requested the Government of National Reconciliation to submit the remaining texts to the National Assembly. However, the lack of confidence between members of the Government and the ruling FPI caused the impasse in the adoption of these texts.

Electoral process

6. The conditions for the organisation of the October 2005 elections have not yet been met. Major decisions relating to the organization and the composition of the Independent Electoral Commission as envisaged under the Linas-Marcoussis Agreement, including the preparation of credible electoral lists and identification, still need to be taken. Time is running out for the organisation of fair, open and transparent elections in October 2005 under acceptable conditions – a factor which is considered as critical in overcoming the current crisis. Pending the reconstitution of the CEI, a UN electoral assessment mission was dispatched to Abidjan from 13 to 27 October 2004 with the objective of reviewing the technical tasks related to the organisation of the elections and make proposals to accelerate the start-up of the electoral process. The mission consulted widely with government and electoral authorities, political parties and representatives of the international community, in particular those of the donor community which have pledged assistance financially or in kind. The Mission made recommendations aimed at making up for the time lost, while gaining the trust of political parties. However, much still depends on the early achievement of a political consensus on the composition of the Independent Electoral Commission, the national institution primarily responsible for the electoral arrangements.

Disarmament, demobilization and reintegration of ex-combatants

7. According to the Accra III Agreement, the DDR process was scheduled to start on 15 October 2004. This deadline could not be met due to political disagreements. On the one side, the Forces Nouvelles (FN) made official their opposition to disarm unless the political reforms stipulated in the Accra III Agreement were fully implemented. On the other side, President Gbagbo after several consultations with political parties suggested that the DDR start in the Eastern part of the country, before he submitted to the National Assembly, prior to a referendum, the amendment to Article 35 relating to eligibility for the Presidency.

8. The two opposing stands have resulted in a deadlock, which has negatively impacted the peace process and raised security and political tensions. The planned start-up of the DDR in the Eastern region, specifically in the towns of Bouna (North – in Forces Nouvelles controlled zone) and Bondoukou (South – in Government-controlled zone) was conceived as an acceptable and symbolic

compromise both militarily and politically. Militarily, the two forces have respectively low numbers of combatants (700 for the FANCI and 800 for the FAFN) and politically each force could withdraw from the process if mutual commitments are not respected.

9. Financially, the National Commission for DDR had secured funds to start the process in the Eastern region. The French Government has contributed, through UNDP, one (1) Million Euros to secure the Safety Net package for the Eastern DDR phase in the absence of World Bank funding, suspended pending negotiations. It was felt that if the DDR started, it would boost resource mobilization efforts, including the World Bank loan for the rest of the phases.

10. Technically though, there are difficulties. Whilst the rehabilitation of the DDR sites in the Southern region is completed, those in the Northern zone had not yet been rehabilitated. This was a result of the political protest by the Forces Nouvelles who refused to authorize and grant access for work to be done on the sites. Equipments as well as all other logistical requirement had been secured and could be deployed promptly. The CNDDR has established a planning committee (with assistance of ONUCI, UNDP and other Agencies), which has produced all necessary plans and schemes to allow the DDR process to be implemented under acceptable standards and conditions.

IV. Human rights

11. The deteriorating human rights situation in Côte d'Ivoire remains a major preoccupation for all concerned. Gross violations continue to be reported throughout the country, in the government-controlled and Forces Nouvelles-controlled zones, as well as in the zone of confidence. They include cases of summary executions and extra-judicial killings, torture, rape, forced disappearances, arbitrary arrests, illegal and *incommunicado* detentions and the destruction of houses and other property.

12. The tense situation created by the failure of the Government and the Forces Nouvelles to meet the deadlines for the implementation of political and constitutional reforms and the disarmament programme as agreed under the Accra III Agreement is likely to further aggravate the abuse of human rights in Côte d'Ivoire.

13. On 15 October 2004, the International Commission of Inquiry established under the Linas-Marcoussis Agreement to investigate all serious violations of human rights and humanitarian law perpetrated in Côte d'Ivoire since 19th September 2002, submitted its report to the High Commissioner for Human Rights for transmission to the Secretary-General and examination by the Security Council. After due processing, the reports will be made public. It is expected that considerable acrimony and partisan reaction will result from the publication.

V. Conclusion

14. The persistent deadlock calls for continuing intervention and pressures on all the Ivorian political actors from the Heads of State present at the Accra III High-level Meeting who are the moral guarantors of the Accra III Agreement. The UN Security Council may wish to send another clear and

firm message to urge the Ivorian political actors to acquit themselves concretely of their commitment to the peace process in Côte d'Ivoire.

Signed on behalf of the Group

Ambassador Raph Uwechue
Chairman

Annex II

[Original: English]

Seventh report of the Monitoring Group

Covering the period from 1 to 15 November 2004

I. Introduction

1. This report is prepared pursuant to the Accra III Agreement of 30 July 2004, which requested the Tripartite Monitoring Group to submit fortnightly reports on major developments in the peace process in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. The present report covers the period from 1 to 15 November 2004.

II. Overview

2. The period under review has been marked by military operations involving FANCI and LICORNE forces. The consequences have thrown out of gear for the present even the receding hope of resumption of dialogue among the parties in the peace process. This has been complicated by a new dimension in relations between Côte d'Ivoire and France where the latter is now perceived by the former as no longer impartial. Henceforth and until the situation is normalised, LICORNE's role will be suspect in the eyes of the national military establishment both bilaterally and in terms of LICORNE's multilateral supporting role with ONUCI in the peacekeeping. After the initial shock waves from the eruption of the military hostilities, there appear to be emerging some diplomatic and political demarches by both the authorities of Côte d'Ivoire and France to calm the situation in the higher order interest of their deep historical relations. The unanimous adoption of Security Council Resolution 1572 (2004) of 15 November 2004 with the political endorsement of the African Union and ECOWAS at the Abuja mini Summit on 14 November has sent a clear message to all the Ivorian political actors. They should now, hopefully, show greater cooperation among themselves in getting the country out of the crisis. A statement from President Gbagbo indicated that he would not do anything to obstruct the peace process, but would like to see the process of disarmament and reunification of the country implemented. The Forces Nouvelles welcomed the Security Council Resolution, but reiterated their familiar preconditions on legislative reforms before the start-up of DDR.

III. Developments in the peace process

3. An extraordinary session of the Council of Ministers was held on 3 and 4 November 2004 in the absence of the Prime Minister who was reported to be on leave and of the opposition Ministers of G7 Marcoussistes. In attendance were the Head of State, FPI, PIT and UDPCI Ministers. On 4 November 2004, the Council of Ministers adopted three legislative texts namely on the regime governing the media, the Nationality Code and on the fundamental law relating to the holding of a referendum in 2005.

4. On 4 November 2004, FANCI launched a series of targeted air strikes on FN military positions in Bouake, Korhogo, Vavoua, Seguela and Man. The mission, as announced, was to reunify the country. This was clearly a violation by FANCI of the Ceasefire Agreement of 3 May 2003.

5. Meanwhile on the same day in Abidjan, distribution of opposition and pro-FN newspapers was forbidden in zones under the control of the Government. International radio stations RFI, BBC and Africa No. 1, whose FM transmitters were sabotaged, were shut off from the airwaves. According to military sources, these were precautionary measures taken in parallel with military operations on the ground. On the same day, military elements from the Presidency occupied the premises of the Ivorian Radio and Television network (RTI), removed its Director who was replaced by the President's Advisor on Communications and the former deputy Secretary General of the RTI. The objective, as officially announced, was to "control the flow of information during a state of war".

6. On 6 November, a LICORNE base was hit in Bouake. Nine French soldiers and one American aid worker were reported killed and some twenty-three wounded. LICORNE retaliated by destroying the fleet of the Ivorian Air Force on the ground in Yamoussoukro and Abidjan. Following these incidents, tensions rose in Abidjan. Clashes occurred between FANCI and LICORNE in Port-Bouet. Violent demonstrations, instigated initially by the Young Patriots, took on the dimensions of a popular mobilisation against LICORNE and French nationals and businesses. These spread beyond Abidjan to Yamoussoukro, San Pedro and Gagnoa. The military and security situation became prickly and highly volatile due in part to the strategic positioning of French troops in maintaining law and order especially in the North and in Abidjan. French troops and tanks were deployed at the airport, at the French military base BIMA, at Hotel Ivoire and around the Presidential palace in Cocody. The angry crowds of Young Patriots and pro-Gbagbo militants took to the streets incited by reports of an impeding coup d'état to remove President Gbagbo and destabilise the country. There was a fever-pitch mobilisation of the general population. The confrontation between the crowd and the French forces resulted in deaths of Ivorians and others wounded.

7. On 8 November 2004, President Gbagbo appeared on television to justify the FANCI strikes against rebel targets in the North of the country. In his address, he said that he had always believed in a peaceful solution to the conflict but that the rebels had failed to see reason. He expressed regrets over the acts of violence that occurred during the weekend and appealed for calm. He recalled that the aim of the peace process was to put an end to the crisis through the holding of elections by the constitutional deadline of October 2005.

8. In a declaration issued on 10 November 2004, the Ivorian defence and security forces reported considerable losses of military equipment:

- 2 Sukhoi destroyed
- 2 Sukhoi damaged
- 2 MI-24 helicopters destroyed
- 1 MI-24 helicopter damaged
- 1 MI-8 helicopter destroyed
- 1 PUMA helicopter destroyed

- 1 predator aircraft damaged
- 1 anti aircraft tank destroyed within the premises of the Presidential Palace in Abidjan

9. According to the Ivorian defence and security forces, the destruction of their Air Force by LICORNE pointed up the latter's deliberate design to weaken their forces in favour of the rebellion. On the human side (both military and civilian), military reports indicated the following:

- In Abidjan between 6 and 11 November: 574 were reported wounded and 22 dead among which, one gendarme;
- In Yamoussoukro: five (05) civilians were wounded on 6 November during the destruction of the Sukhoi at the airport and helicopters at the Presidential palace;
- In Duekoue and Diboly: eight (08) killed (3 military, 1 policeman, 3 civilians and 1 military reported missing) following attacks by LICORNE elements in the corridor on 7 November 2004;
- In Tiebissou: a few civilians wounded on 7 November 2004;
- In Sinfra: 2 civilians wounded following attacks by LICORNE forces in the corridor on 7 November 2004.

10. On the government side as at 10 November 2004 according to medical sources, the Ministry for Human Rights gave estimates of some fifty-four (54) dead and over 1,200 wounded in Abidjan, Duekoue, Guessabo, Tiebissou, Sinfra, Yamoussoukro and in different areas. The Minister for Human Rights also reported acts of vandalism and extortion during the various demonstrations.

11. On 13 November, President Gbagbo decreed changes in the top echelons of FANCI. In spite of assurances by the Government to the contrary, these changes have been interpreted by some sections of the public as sanctions against the top hierarchy for the failure in accomplishing the military mission of reunifying the country through recourse to force. The effect of this exercise on the morale of the military establishment is still to be assessed.

Diplomatic initiatives to find a political solution to the crisis

12. Diplomatic initiatives were launched by President Thabo Mbeki of South Africa and President Olusegun Obasanjo of Nigeria to try and broker a peace deal between protagonists in the Ivorian conflict. President Obasanjo held a crisis meeting on Côte d'Ivoire on 6 November following which President Thabo Mbeki of South Africa was delegated on behalf of the African Union to meet President Laurent Gbagbo on 9 November. Following that meeting, President Gbagbo gave assurances of his willingness to halt the military hostilities and to follow through with immediate disarmament, reunification of the territory and the adoption of the relevant legislative reforms as envisaged under the Accra III Agreement.

13. On 14 November 2004, a one-day emergency AU mini Summit on the Ivorian crisis was convened in Abuja hosted by President Olusegun Obasanjo, Chairman of the African Union and attended by five other Heads of State from Ghana, Togo, Burkina Faso, Senegal and Gabon. A Special Envoy, Mr. Ali Treki, represented President Muammar Gaddafi of Libya and Professor Mamadou

Koulibaly, Speaker of the National Assembly of Côte d'Ivoire, represented President Laurent Gbagbo. The President of the AU Commission, the Executive Secretary of ECOWAS, the Special Representative of the ECOWAS Executive Secretary in Côte d'Ivoire and the Special Representative of the UN Secretary-General in Côte d'Ivoire were in attendance. Beyond a review of the inflammatory situation in Côte d'Ivoire, the Heads of State expressed their concern over the escalating situation caused by the military operations on the part of FANCI and LICORNE forces. They also focused on the problems of arms stock-piling and the trans-border traffic in small arms and light weapons. According to them, this development could have adverse repercussions on sub-regional security and political stability. For these reasons, they recommended that the UN Security Council, in its framework of sanctions, should impose an immediate arms embargo on Côte d'Ivoire. The Heads of State reaffirmed their commitment to the Linas-Marcoussis and Accra III Agreements and requested all Ivorian parties to fulfil their obligations. Their recommendations were conveyed to the Security Council which accepted them accordingly.

14. The adoption and publication of Security Council Resolution 1572 (2004) of 15 November 2004 produced a significant resonance in the political climate of Côte d'Ivoire. The political actors as expected have read different partisan perspectives into the Resolution. Mutual recriminations continue unabated especially between the two protagonists, FPI and Forces Nouvelles, who have reiterated their very familiar interpretations of their relative obligations under the Linas-Marcoussis and Accra III Agreements. In spite of this political posturing and rhetoric, there is a sense in which all the Ivorian political actors are conscious of the adverse effects on them of the sanctions envisaged by the Security Council as from 15 December 2004.

15. It is in that spirit that evolving developments might indicate various proposals by the political actors to resume dialogue and negotiations.

IV. Humanitarian and human rights developments

16. Humanitarian and human rights developments have been overshadowed by the military hostilities launched by FANCI and LICORNE.

17. As a result of the riots, The Ivorian Red Cross announced that it had provided medical kits and medicine for over 250 wounded persons in the main hospital in Cocody and it treated some 2,979 persons between 5 to 11 November for wounds and other ailments.

18. UNHCR reported that over 11,000 Ivorians had fled into Nimba County of Liberia, but this was more of a preventive move than a direct result of the current hostilities. The Ivorians had been arriving in Liberia through at least 12 entry points along a 45-km stretch of relatively remote frontier, often crossing the border river in small canoes. Unfortunately, UNHCR's monitoring work had been considerably slowed by the remoteness of the region and the very poor state of the roads, many of which are impassable by car. Relief agencies had sent out teams on motorcycles to reach the refugees in the more inaccessible areas. UN helicopters had been used to airlift emergency relief items to Butuo, where the bulk of the newcomers were staying.

19. WFP had been able to resume some of its operations in Côte d'Ivoire just days after the wave of unrest sweeping the country had forced the agency to suspend most of its food aid projects. WFP food aid reached more than 15,000 refugees and displaced persons sheltering at camps in Guiglo and Tabou. The agency also continued to provide assistance to thousands of malnourished children and pregnant women at therapeutic feeding centres across Côte d'Ivoire.

20. The supply of drinkable water and electricity was cut in the northern parts of the country on 2 November 2004, a few days before the resumption of hostilities, to be briefly reinstated on 12 November, then cut again on 14 November, causing severe hardship to the population in these areas. The supply was finally restored on 15 November. According to a statement made by the Forces Nouvelles on 11 November 2004, all health centres in the western, northern, centre and northeast regions had not been supplied with electricity and water thus leading to the death of around 300 individuals due to lack of medical care. Some elements of MEFN were reported to have attacked two villages (one in the North and one in the ZOC) to punish the villagers alleged to having supported the FANCI infiltrations across the ZOC during the recent crisis.

21. Furthermore, following attacks by FANCI on positions held by Forces Nouvelles on 4, 5 and 6 November 2004, Forces Nouvelles reported the deaths of some 85 persons (mainly women and children) among which 7 combatants.

22. According to the French Ministry of Foreign Affairs, over 8,500 foreigners, among which some 7,200 French citizens, had been repatriated by air. As a precautionary measure, ONUCI, UN agencies and International NGOs operating in Côte d'Ivoire had also temporally evacuated some of their staff. Diplomatic missions resident in Abidjan have also evacuated some of their staff for the time being.

V. Conclusion

23. The resumption of armed hostilities has come to complicate, if not scuttle, the initiatives that were ongoing in order to steer a way out of the Ivorian crisis. As of now, the atmosphere of confidence building appears to have been snuffed out. Bitter recriminations abound amidst claims by partisans of the two major protagonists insisting on their "radicalised" or "polarised" positions. The whole atmosphere for negotiations is confused even as reports of consultations and good offices might have otherwise given hope for some emerging compromise. The signals for a solution are not at all clear on the horizon. The observer may wish to fall back on the Security Council resolution 1572 (2004) in the hope that the Ivorian political actors might be awakened by its impact and come to grips finally with their accountability for any failure to travel together the roadmap to peace in Côte d'Ivoire.

24. Meanwhile, efforts at mediation must continue in order to encourage resumption of dialogue and of the full activity of the Government of National Reconciliation. In this regard, President Thabo Mbeki's mission as the AU mandated peace-broker deserves strong international support.

Signed on behalf of the Group

Ambassador Raph Uwechue
Chairman
Abidjan, 16 November 2004